



SB259 Business Regulation - Flavored Tobacco Products - Prohibition

Senate Finance Committee

February 16, 2023

Position: Oppose

Background: SB259 would ban the sale of all flavored tobacco products in Maryland.

Comments: The Maryland Retailers Association (MRA) opposes the outright prohibition of the sale of flavored tobacco products. We advocate for a regulated market that allows consenting adults to have access to known, regulated, and legal tobacco products, and the enforcement of current counterfeit laws to cease the sale of illegal items. History has proven that the prohibition of undesired materials drives those items to an unregulated underground market. A lack of regulation and enforcement results in dangerous products, like the counterfeit vaping pods that caused mysterious lung illnesses in over 1,000 Americans in recent years.

This legislature took aggressive steps to curb youth sales in 2019, raising the legal age for buying tobacco products in Maryland to 21. The increased age for the purchase of tobacco products serves as an effective barrier against the sale of any such products to minors. In fact, many small businesses that focus on tobacco sales check ID upon entry in order to ensure that minors are not accessing these products while underage.

Restricting or prohibiting the sale of products is often well-intentioned and seems like the simplest solution to curb tobacco use: ban or make it difficult for tobacco customers to buy their products, and they'll stop using them. We know from cases around the country where governments pass flavored tobacco bans that this is not the case. Customers who cannot purchase these products in Maryland will go to another state to buy the product they are looking for. Users who face a barrier to travel will simply get their products online or illegally from the black market.

The CDC reports that states use a very small amount of money received from tobacco taxes and lawsuits to prevent and control tobacco use. Not only will a ban on flavored tobacco products decimate small businesses, but it will likely have no impact on youth vaping or smoking, one of the reasons the authors of such proposals often cite as the reason to ban products. Ultimately what has been shown to stop smoking and prevent minors from starting is education and preventing marketing to minors. We would urge the State to use the millions of dollars from taxes it collects from tobacco products and money from lawsuits against cigarette companies to prevent smoking and help smokers quit.

Thank you for your consideration, and we urge an unfavorable report on SB259.